

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NEIL ROBERSON,

Petitioner,

v.

SCOTT SPEER,

Respondent.

NO. 2:24-cv-01992-RAJ-MLP

ORDER

THIS MATTER comes before the Court on Petitioner Neil Roberson (“Petitioner”)’s Motion for Relief from Judgment. Dkt. # 19.

On December 4, 2024, Petitioner filed his Petition for a Writ of Habeas Corpus. Dkt. # 1-1. On January 29, 2025, this Court entered an order adopting the Report and Recommendation (“the Report”) of the Honorable Michelle L. Peterson, dismissing the Petition without prejudice and denying a Certificate of Appealability. Dkt. ## 4, 10. A review of the Court’s records revealed that the Petition was one of seven federal habeas petitions Petitioner had filed in this District since February 2024, with each one challenging the same judgment and sentence issued in Skagit County Superior Court. Dkt. # 4 at 2.

1 In her Report, Judge Peterson remarked that “[t]he Court observes generally that  
2 Petitioner’s recent litigation activities border on abusive. Petitioner has been repeatedly  
3 told that his challenges to his state court judgment must be brought under § 2254, and that  
4 his claims must be properly exhausted in the state courts.” *Id.* at 2–3. Judge Peterson  
5 found that the claim could not be deemed eligible for federal habeas review, as Petitioner  
6 not only filed his Petition under the wrong statute, but the Petition also lacked sufficient  
7 clarity for the Court to assess accurately whether he had properly exhausted the claims  
8 asserted therein. *Id.* at 3. Petitioner proceeded to appeal the Court’s Order adopting the  
9 Report, which the United States Court of Appeals for the Ninth Circuit promptly denied.

10 The Court summarily rejects the instant Motion. Petitioner first claims the Court  
11 violated a proposed motion he filed to waive Judge Peterson’s Report. Dkt. # 19 at 1. This  
12 unprecedented request has no legal basis. It is common practice to refer habeas petitions to  
13 magistrate judges to determine their eligibility. Additionally, the Court is under no  
14 obligation to grant a motion to request discovery or a motion to expand the record.<sup>1</sup> To  
15 cinch the matter, Petitioner cites incomplete case law and fails to apply and compare the  
16 facts of those cases to this matter.

17 For the foregoing reasons, Petitioner’s Motion for Relief from Judgment is  
18 **DENIED**. Dkt. # 19. The Court will not entertain any further filings in this case.

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20 Dated this 25th day of June, 2025.

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23 The Honorable Richard A. Jones  
24 United States District Judge

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27 <sup>1</sup> Despite this lack of obligation, the Court already examined Petitioner’s other federal filings and  
28 the Skagit County Superior Court judgment.